

Notice of Allowability

Application No.

10/065,286

Examiner

David A. Rogers

Applicant(s)

BECK, CHRISTIAN A.

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief Filed 25 September 2006.
2. ☒ The allowed claim(s) is/are 1-11 and 13-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with George Macdonald on 27 October 2006. The application is amended as follows:

Cancel Claim 12.**Replace Claims 1, 11, 13, and 14 with the following:**

1. A hazardous material detector comprising:
 - an envelope comprising a front side and a back side and a sealable flap for sealing the envelope;
 - holes formed in at least one of the front side or the back side of the envelope, wherein said holes provide an inlet for said hazardous materials;
 - a hazardous material test strip for detecting the presence of hazardous material in contact with the test strip;
 - wherein the test strip is inserted into the envelope before the envelope is sealed and wherein the test strip is large enough to not fit through the holes; and
 - whereby when hazardous materials are detected by the hazardous material test strip a physical change occurs to the hazardous material test strip and the physical change can be viewed through at least one of said holes formed in the at least one of the front side or the back side of the envelope.
11. The hazardous material detector as claimed in claim 1 further comprising:
 - a warning message on the envelope; and the warning message identifies to a user the physical change associated with the presence of a hazardous material.
13. The hazardous material detector as claimed in claim 11 wherein:
 - the warning message comprises a label affixed to the envelope.
14. The hazardous material detector as claimed in claim 11 wherein:
 - the warning message is printed on the envelope using ink.

Add Claim 17 as follows:

17. The hazardous material detector as claimed in claim 1 wherein:
the test strip includes an identifier associated with time data.

Allowable Subject Matter

2. Claims 1-11 and 13-17 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The prior art of Robinson, Jr. (United States Patent 6,524,846) discloses a hazardous material detector for use with a substantially sealed envelope. See column 2 (lines 40-48). Therefore, providing holes on either the front side or the back side of the envelope is not taught or suggested by Robinson, Jr. United States Patent Application Publication 2003/0075593 to Wood teaches an envelope with holes on either the front side or the back side. However, these holes are covered with a thin contaminant-indicating layer. As a result, the envelope will be substantially sealed. United States Patent Application Publication 2004/0046009 to Weisenberg *et al.* discloses known envelopes with holes on the front side or the back side. Such holes are known in many other commercially available envelopes. However, none of these envelopes teach or suggest being combined with a hazardous material detector.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Rogers whose telephone number is (571) 272-2205. The examiner can normally be reached on Monday - Friday (0730 - 1600). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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27 October 2006


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